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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,447	12/30/1999	DAVID JOHNSTON LYNCH	RCA89.894	6336

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EXAMINER
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CHUNG, JASON J

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/475,447	<b>Applicant(s)</b> LYNCH, DAVID JOHNSTON	
	<b>Examiner</b> Jason J. Chung	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 12 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 13-20 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 11/12/04 have been fully considered but they are not persuasive.

The applicant argues on pages 7-8 of the response that the only way to resolve conflicts is “the enabling or disabling of an override is performed by a user in order to manually control...should be viewed” and thus does not read on the claimed invention. The examiner respectfully disagrees with this assertion and has taken a broader read of the claimed invention. The claim does not preclude the user from being a conflict resolver. The examiner has taken the read of the user controlling the system being a conflict resolver. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., user cannot manually resolving conflict) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argues on page 8 of the response, “Collings does not even contemplate that conflicts between overrides may exist.” The examiner respectfully disagrees with this assertion. For instance, conflicts will inherently exist between an override of blocking “mature content” and allowing “language” (Collings: figure 5E). Moreover, Collings discloses multiple labels with programs (column 18, lines 33-52) that would lead to conflicts being present. Collings discloses the menu is used to enable (most restrictive) or disable all of the features (column 17, lines 8-19; figure 5B); thus the user can have blocking criteria/criterion saved and use the master

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option to disable blocking (least restrictive) or use the master option to enable blocking (most restrictive), which meets the limitation on a conflict resolver resolving conflicts between overrides and the conflict resolver is switchable between a most restrictive and least restrictive mode and the limitation on first and second conflict resolution modes (claim 22). Collings discloses the user uses menu 90 to individually enable or disable features of apparatus 20 (column 17, lines 8-19; figure 5B), which meets the limitation on a conflict resolver for resolving conflicts between the override instructions when the override instructions are enabled.

The applicant argues on page 8 of the response that, "Collings provides no means or method for detecting a conflict...present claimed invention". There is nothing in the claim that states detecting a conflict. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., detecting a conflict) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argues on page 8 of the response that the remaining claims are allowable since the independent claims are allowable. The examiner respectfully disagrees with this assertion and has proven that the independent claims are not allowable, thus the dependent claims are not allowable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 11, 13-20, 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Collings (US Patent # 5,828,402).

Regarding claim 11, Collings discloses the user can set user preferences (column 16, lines 19-28). Collings discloses the user can invoke a main menu 80 (figure 5A) by entering a PIN (column 16, lines 50-67). Collings discloses the blocking option 80 allows a user to enable, temporarily disable, or disable completely a television signal (column 17, lines 1-7). Collings discloses the user can set thresholds for television programming (column 17, lines 33-48), which meets the limitation on at least one viewer profile establishing a set of limits for blocking images outside the limits from view.

Collings discloses the master option of menu 90 can be used to disable or temporarily disable the operation of all blocking features of apparatus 20 and a user may disable one or more features that include ratings, channel, viewing times, daily allowance (column 17, lines 20-32), which meets the limitation on at least one limit selected from the group comprising: program ratings, spending, channel, view time limits, time of day limits, image content ratings.

Collings discloses the master option of menu 90 can be used to disable or temporarily disable (override) the operation of all blocking features of apparatus 20 and a user may disable one or more features that include ratings, channel, viewing times, daily allowance (column 17, lines 20-32; figure 5B), which meets the limitation on at least one override list including at least one override instruction applicable to the at least one viewer profile for overriding at least one of the limits.

Collings discloses the menu can be used to enable (most restrictive) or disable all of the features (column 17, lines 8-19; figure 5B); thus the user can have blocking criteria/criterion saved and use the master option to disable blocking (least restrictive) or use the master option to enable blocking (most restrictive), which meets the limitation on a conflict resolver resolving conflicts between overrides and the conflict resolver is switchable between a most restrictive and least restrictive mode and the limitation on first and second conflict resolution modes (claim 22). Additionally, Collings discloses the user can invoke a main menu 80 by pressing function key 72 on the remote control 71 (column 16, lines 50-60). Collings discloses the user can use menu 90 to individually enable or disable features of apparatus 20 (column 17, lines 8-19; figure 5B), which meets the limitation on a conflict resolver for resolving conflicts between the override instructions when the override instructions are enabled.

Regarding claim 13, Colling discloses the user can use the main menu 80 (figure 5A) and press option 1 opens up the blocking menu (column 17, lines 1-32). Collings discloses pressing option 2 opens up a setup menu 100 and pressing option 1 on the setup menu (figure 5C) opens up a category threshold menu (figure 5D) (column 17, lines 33-57). Collings discloses the user can have blocking criteria saved in the memory 58 (column 17, lines 58-68). Collings discloses the master option can be used to disable all (least restrictive) of the blocking features of the apparatus (column 17, lines 20-32; figure 5B). Collings discloses the menu can be used to enable (most restrictive) or disable all of the features (column 17, lines 8-19; figure 5B); thus the user can have blocking criteria/criterion saved and use the master option to disable blocking (least restrictive) or use the master option to enable blocking (most restrictive), which meets the limitation on a conflict resolver resolving conflicts between overrides and the conflict resolver is

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switchable between a most restrictive and least restrictive mode and the limitation on first and second conflict resolution modes (claim 22).

Regarding claim 14, Collings discloses the user is presented interfaces showing the status of the blocking (figures 5E-5I), which meets the limitation on means to display to a viewer the blocking status of at least one image.

Regarding claim 15, Collings discloses the video signals may be output from apparatus 20 or from a VCR and apparatus 20 can be built into the television but also may be a stand-alone unit (column 3, lines 17-30), which meets the limitation on the supervisor control system for producing an output signal includes at least one item selected from the group comprising: television receiver, cable box, VCR tuner.

Regarding claims 16-19, the limitations in claims 16-19 have been met in claims 11-15 rejections.

Regarding claims 20, 22, 23, the limitations in claims 20, 22, 23 have been met in claims 11, 13-15 rejections.

Regarding claim 24, the limitations in claim 24 have been met in claims 11-15 rejections.

Regarding claims 25-26, the limitations in claims 25-26 have been met in claims 11-15 rejections. Collings discloses the parent can block the television signal (column 2, line 66-column 3, line 30), which meets the additional limitation on parental control circuitry.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (571) 272-7292. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJC

  
**HAITRAN**  
**PRIMARY EXAMINER**